IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.404 OF 2005
IN
SUIT NO.3613 OF 2004

M/s. Candes and Kunder
Constr. and Anr. ..... Plaintiffs
vs.
1. Dr. Mrs. Celine Desa
and Anr. ..... Defendants
AND
1. Surendra Poojari and Ors....Respondents

P.K. Samdani with H.S.S. Murthy for defendant no.2.

D.H. Mehta with N.M. Shah for the plaintiffs.

A. Das Gupta for defendant no.1.

R.D'souza i/b. A. Dayal and Associate for respondent no.1.

CORAM: S.U. KAMDAR, J.

DATE : 4TH APRIL, 2005.

P.C. :

1. In so far as prayer (c) of the chamber summons is concerned the learned counsel appearing for the plaintiffs makes a statement that he is not pressing for the withdrawal of the suit and thus the said

prayer does not survive and the same is accordingly rejected. In so far as prayers (a) and (b) is concerned Mr. Mehta the learned counsel appearing for the plaintiffs makes a statement that he will implead the respondent no.1 to 5 to the suit as defendants within a period of one week from today. The plaintiff is accordingly directed to implead respondent nos.1 to 5 as party defendants to the suit. Mr. Mehta for the plaintiffs proceeds on the basis of the denial of the averments made in the affidavit in reply to the chamber summons. Mr. Mehta also seeks liberty to carry out further amendment to the plaint by taking out appropriate chamber summons to incorporate necessary averments in respect of the right of respondent no.1 to 5 which are to be added pursuant to this order. The said liberty is granted. In view thereof chamber summons disposed off accordingly with no order as to costs.‘

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